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TO RHMFISS/CDRUSAREUR HEIDELBERG GE IMMEDIATE
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RUEHC/SECSTATE WASHDC IMMEDIATE 6686
RUEHRL/USDAO BERLIN GE IMMEDIATE
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E.O. 12958: N/A
TAGS: [KLIG](#) [KJUS](#) [MARR](#) [MOPS](#) [GM](#)
SUBJECT: GERMAN PROSECUTOR FOLLOWS UP: KURNAZ CASE
ASSISTANCE REQUEST

REF: BERLIN 61 AND PREVIOUS

11. (U) This Cable contains an Action Request. Please see para 4.

12. (SBU) Further to reftel, the State Prosecutor's Office in Tuebingen has written the Office of the Staff Judge Advocate, Stuttgart Law Center, asking for further information in connection with events Murat Kurnaz -- a Turkish citizen resident in Germany and returned here in August 2006 from Guantanamo -- alleges to have happened to him in a U.S.-run prison facility in Kandahar. On January 11, Chief Public Prosecutor in the office of the State Prosecutor in Tuebingen Michael Pfohl followed up his earlier email and phone requests with a written request to the Office of the Staff Judge Advocate, Stuttgart Law Center, 21st Theater Support Command.

13. (SBU) Begin Text of Informal USAREUR/Embassy translation.

Tuebingen, 11 January 2007

Dear Mrs. Harville-Hummel,

As per our telephone conversation, I kindly request your assistance in a pending investigation case number 11 Js 26900/06 against two soldiers assigned to the special forces (Kommando Spezialkraefte) stationed in Calw. The following facts are essentially the basis of this investigation:

Mr. Murat Kurnaz, Turkish national, born in 1982, raised in Bremen, was apprehended in 2002 in Pakistan and turned over to the U.S. Forces in Afghanistan. He was determined to be an "enemy combatant" and transported to Guantanamo in the year 2002. He was released in 2006 and returned to Germany on 24 August 2006.

In the magazine "Stern", dated 05 October 2006, for the first time Mr. Kurnaz alleged that he had been mistreated by German soldiers in the beginning of the year 2002 while confined in a U.S. prisoner camp in Kandahar, Afghanistan. During a later legal hearing with the public prosecutor, he made his allegation concrete and described that he was called out of

his "compound" by two U.S. soldiers and that his hands were bound behind his back. After that he was confronted by two German soldiers at a hidden part of the camp. He alleges that while he was lying on the ground he was pulled up by his hair and his head was hit to the ground. Furthermore, one of the two German soldiers kicked him in the side.

In order to clarify the facts further, I kindly request the following information from the U.S. authorities:

- Was it possible in the year 2002 to drive with a (small) truck into the prison camp in Kandahar and did they do so?
- How were the feces (Note: from the camp End Note.) disposed off? Did so called "sh-t burning" (that's what the German soldiers called it) take place or were the entire contents of the toilets disposed off by a latrine truck which would pass by the gate at the clay wall regularly and which would be parked at the edge of, but still within, the camp? (Reference is made to the attached photograph, especially the position marked with an asterisk) (Note: photo emailed to L/PM and EUR/AGS. End Note.)
- Who would be able to make further statements, if possible based on their own observations, as to the above circumstances and who would be available to testify as a witness?

The allegations raised by Mr. Kurnaz are subject of an Investigation Committee of the German Bundestag. Mr. Kurnaz will testify to the Committee on 17 January 2007. The situation has drawn great media attention throughout Germany. Therefore, a quick response to the above questions would be

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greatly appreciated.

Thank you for you assistance.
Sincerely,
Dr. Pfohl
Senior Public Prosecutor

End Text of Informal USAREUR/Embassy translation.

14. (SBU) Post requests guidance in how to respond to the Prosecutor's questions.

15. (U) This Cable was coordinated with USAREUR LNO.
TIMKEN JR